

**Town of Lincoln**  
**100 Old River Road, Lincoln RI**  
**Zoning Board of Review**

**October 7, 2008 Minutes**

**Present: Jina Karampetsos, Raymond Arsenault, Gabriella Halmi, Kristin Rao, Arthur Russo, and Town Solicitor Anthony DeSisto**  
**Excused: David Gobeille & John Bart**

**Minutes**

**Lack of quorum from the August 2008 meeting – acceptance of Minutes continued to the November 6, 2008 meeting.**

**Applications**

**John & Sandra Petrarca, 2 Michael Drive, Lincoln, RI – Application for Extension of Decision on Dimensional Variance application dated June 5, 2007.**

**AP 45, Lot 339 Zoned: RA 40**

**Chair Karampetsos recused herself from this application. Member Rao made a motion that due to a lack of quorum the application be continued to the November agenda. Motion carried with a 5-0 vote.**

**Roland Montigny, 59 Main Street, Albion, RI – Dimensional Variance seeking front and side yard setbacks for the construction of an**

**addition on property located at 21 Ledge Way, Lincoln, RI.**

**AP 33, Lot 66 Zoned: RL 9**

**Represented by: Mark Krieger, Esquire, 132 Old River Road, Lincoln, RI**

**Member Rao was excused at the August meeting and could not sit on the application. Member Russo sat with full privileges. Town Solicitor DeSisto informed the Board that the application could go forward because public forum was still open.**

**This application was continued from the August agenda. Applicant wants to construct an 11'x10' addition to square off the back of his property. Addition will not encroach on the rear or side of the property. As requested by the Board, applicant submitted new plot plan signed by Stephen Long dated 8/20/08. The structure on the property is non-conforming by dimension. Applicant has a pending purchase and sale agreement for the construction of the addition at the rear of the property. Addition will be used as a laundry room and will be built on a cement slab and will not encroach onto the side setback.**

**Witness**

**Roland Montigny, 59 Main Street, Albion, RI**

**Applicant submitted into the record correspondence dated July 1, 2008 from Joseph Roszkowski, Attorney stating he had authorization to sign the application on behalf of the Roland E. Forand Trust as**

**Exhibit #1. Mr. Montigny has lived in Albion 70 years. Applicant drew up the addition plans. Proposed addition site is the only place for the washer and dryer. Kitchen, bedrooms and bathroom are located at the rear of the house. If addition were located to the side of the house applicant would need to install a sewer pump. Exterior of addition will match existing house. Applicant intends to brick the front and vinyl side the rest of the house with a canopy over the entrance and a new roof. The new plan shows the existing garage and applicant plans on removing 4.5 feet to accommodate the addition.**

**Applicant entered into the record:**

**Exhibit #2: three photos taken in July 2008 showing current condition of the property**

**Exhibit #3: old floor plan**

**Exhibit #4: new revised plans dated 8/20/08 signed by Stephen Long**

**If application were denied Mr. Montigny would not enjoy the permitted use. His intentions are to pass the house down to his grandchildren in the future.**

**Chair read into the record Planning Board recommendation:**

**Members of the Technical Review Committee visited the site and reviewed the submitted revised plans and application. The proposed dimensional variances for the front and side yard setbacks are to clear up the pre-existing nonconformance of the existing house. This**

record lot and house was platted and built before present day zoning regulations. The proposed application is to square-off the house and provide an additional room which will be used to provide modern day household amenities such as a washer and dryer. The Planning Board recommends Approval of this application. The Planning Board finds that the relief requested will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.

Motion made by Member Russo to grant 4.5 foot side yard accessory relief, 15.03 foot side yard chimney relief, 9.66 foot front yard relief, 13.93 foot addition side yard relief stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property

**Motion seconded by Member Arsenault. Motion carried with a 5-0 vote.**

**MHI II, 914 Hartford Turnpike, Waterford, CT / 640 GWH, LLC, 640 George Washington Highway, Lincoln, RI – Application for Special Use Permit for the construction of a 108 room hotel on property located at 640 George Washington Highway, Lincoln, RI.**

**AP 31, Lot 12 Zoned: ML 0.5**

**MHI II, 914 Hartford Turnpike, Waterford, CT / 640 GWH, LLC, 640 George Washington Highway, Lincoln, RI – Application for Dimensional Variance seeking front yard setback for the construction of a 108 room hotel on property located at 640 George Washington Highway, Lincoln, RI.**

**AP 31, Lot 12 Zoned: ML 0.5**

**Represented by: John Shekarchi, Esquire, 132 Old River Road, Lincoln, RI**

**Attorney for applicant would like to present both applications as one. Chair read into the record standards that need to be met for a Special Use Permit and Dimensional Variance.**

**Applicant appeared before Planning Board and received master plan approval pending zoning board approval of the applications. Applicant is seeking relief for a 99,740 square foot extended stay**

**facility consisting of 108 rooms. A staff of 20 will be hired. There are no wetlands and applicant is only seeking 6 feet of front setback relief meeting all other dimensional requirements.**

### **Witness**

**Edward Pimentel, AICP, Pimentel Consulting, Inc., 26 Avon Road, Cranston, RI**

**Submitted his resume and report into the record as Exhibit A. Mr. Pimentel has been before this before several times as an expert witness. Motion made by Member Arsenault to accept Mr. Pimentel as an expert witness. Motion seconded by Member Rao. Motion carried with a 5-0 vote.**

### **Dimensional Variance Application**

**Witness is familiar with the application which is a major land development project that received master plan approval by the Planning Board. Proposed area is located in an industrial park village and the hotel will be situated off Route 116 near Route 146. There is an existing hotel near the site. Majority of the area is industrial/commercial. AMICA is located nearby with a campus of 90 acres. The project does not meet minimum front yard requirements and that is why they are here seeking relief. Sofocal point will be an extended stay hotel. The six feet applicant is seeking is the least relief necessary.**

### **Special Use Permit**

**Requested use is allowed at this location and office use is pre-existing. Applicant meets all requirements for both applications and will not alter the area. 87% of the area is already being used as office space.**

## **Witness**

**Scott Lindgren, PE, Rhode Island and Massachusetts**

**He did not have a resume for review but has been in this profession for 15 years. Mr. Lindgren has appeared before this Board in the past. Motion made by Member Arsenault to accept Mr. Lindgren as an expert witness. Motion seconded by Member Russo. Motion carried with a 5-0 vote.**

**Applicant wants to build an extended stay facility and has new design plans. There is existing office space at the center of the area with parking to the rear. The facility will consist of 108 rooms. They are proposing 120 parking spaces but only 118 are required. Front entry to the north for check in with ancillary parking to the west. There will be an athletic court outside with basketball court and pool to the north which will not be visible from the highway. Front south side of the facility will have emergency safety access. Water, sewer, electric and gas services are available with zero net water runoff off site. This project will not alter the surrounding area. No public meeting rooms will be at the site as this will not be a hotel for functions.**

**Trees will be planted along Route 116 and the parking and private**

drive with shrubs around the building. Basketball court will be fenced in. Lighting plans for the basketball court are being prepared which will consist of candle lights with cut off shields. Variance for lighting will not be required. Signage will be in place to handle the overflow of parking. Exterior will be brick and match the existing hotel at the site. Hard planks will be used for siding and roof will consist of asphalt shingles.

## **Witness**

**Michael Desmond, PE**

Submitted his resume and report into the record as Exhibit B. Mr. Desmond has been before this before several times as an expert witness. Motion made by Member Arsenault to accept Mr. Desmond as an expert witness. Motion seconded by Member Rao. Motion carried with a 5-0 vote.

Mr. Desmond prepared a Traffic Impact Analysis where Route 116 and Route 146 intersect with AMICA between the hours of 6:00 and 10:00am and 2:00 and 6:00pm. Speed limit in the area is 40MPH. Anticipated volume generated by this project would be 35 entering/17 leaving during am peak hours and 25 entering/25 leaving during pm peak hours. He also obtained 3 ½ years of accident reports from the Lincoln Police Department which showed there were eleven accidents at the intersection of Route 116 and AMICA Boulevard at Great Road. The proposed site plan shows that the driveway will safely accommodate the traffic that will enter and leave the area. The



**parking layout meets all the town requirement. Submitted his report into the record as Exhibit C. Access to the site will be through an existing driveway and access from Route 116 will be at the turn around at the driveway.**

**Witness**

**Donald G.Morash, Abbott Properties, 380 Jefferson Boulevard, Warwick, RI**

**Motion made by Member Halmi to accept Mr. Morash as an expert witness. Motion seconded by Member Russo. Motion carried with a 5-0 vote.**

**He is familiar with the project and does not feel the project will alter the surrounding area which is made up primarily of office complexes. There is a need for this type of proposal and the site consists of nine acres. This project will not have a negative affect on the area but will generate improvements.**

**Chair read into the record Planning Board recommendation for Special Use Permit:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of the Special Use Permit for the construction of a hotel and its associated parking. The Planning Board feels that due to the unique characteristics of the site and the thoughtful site layout of the proposed hotel that allowing a dimensional variance for**

the placement of the building is realistic. The current property contains one large office building with parking in the rear. The hotel is proposed to be located in the front of the parcel and along George Washington Highway. The site plans and application specifically detail the proposed location of the hotel and its parking and their relationship to the existing building and the roadway. The Planning Board feels that the site layout is thoughtful and takes into consideration many factors relating to the site and the overall character of the area. According to the Economic Development section of the 2003 Comprehensive Plan, “key components of the Town’s successful economic development strategy” is the “Combination of high development standards with a workable review process. Without exception, the developers and managers that have been interviewed say that the Town is good to work with. The Town had a plan and stuck with it, not swinging with political winds. This has attracted developers who want to create a quality product and are willing to invest in good site planning, because they believe that the Town will not leave them hanging.” (2003 Comprehensive Plan, ED-13). The applicant’s thoughtfulness in site design was a key element as the Planning Board discussed this application and measured it against the zoning standards for a special use permit.

Motion made by Member Arsenault to grant the Special Use Permit with the condition that the Planning Board review and approve the lighting plan for consistency and also review the zoning regulations to assure general signage conforms to regulations eliminating

**parking spaces. He further stated:**

- That the Special Use is specifically authorized under this Ordinance**
- That the Special Use meets all the criteria set forth in this Ordinance authorizing such special use**
- That the granting of the Special Use will not alter the general character of the surrounding area**
- That the granting of the Special Use will not impair the intent or purpose of this Ordinance nor the Lincoln Comprehensive Plan**
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**Motion seconded by Member Rao based on the plans for 108 rooms and all exhibits presented conform with the plans attached to the application. Motion carried with a 5-0 vote.**

**Chair read into the record Planning Board recommendation for Dimensional Variance:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Approval of the Dimensional Variance for the construction of a hotel and its associated parking. The current property contains one large office building with its parking in the rear.**

**The hotel is proposed to be located in the front of the parcel and along George Washington Highway. The site plans and application specifically details the proposed location of the hotel and its parking and their relationship to the existing building and the roadway. The area between the highway and the lot line is a 100 foot wide RIDOT easement. Therefore, the front yard setback is from the lot line which**

is approximately 100 feet from the roadway edge. The Planning Board feels that the site layout is thoughtful and takes into consideration many factors relating to the site and the overall character of the area. According to the Economic Development section of the 2003 Comprehensive Plan, “key components of the Town’s successful economic development strategy” is the “Combination of high development standards with a workable review process. Without exception, the developers and managers that have been interviewed say that the Town is good to work with. The Town had a plan and stuck with it, not swinging with political winds. This has attracted developers who want to create a quality product and are willing to invest in good site planning, because they believe that the Town will not leave them hanging.” (2003 Comprehensive Plan, ED-13). The applicant’s thoughtfulness in site design was a key element as the Planning Board discussed this application and measured it against the zoning standards.

Motion made by Member Arsenault to grant the Dimensional Variance application seeking 6 feet front yard relief stating:

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.

- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.
- The relief requested is the least relief necessary.
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property

Motion seconded by Member Russo. Motion carried with a 5-0 vote.

Robert & Marina Zabinski, 12 Cynthia Road, Lincoln, RI – Application for Dimensional Variance seeking height relief for a shed located at the rear of the property.

AP 27, Lot 119 Zoned: RA 40

Represented by: Wyatt Brochu, Esquire

Chair read into the record standards that need to be met for a Dimensional Variance.

Applicant is seeking height relief for a shed that is partially constructed in his back yard. He received a building permit and submitted plans to the Building Inspector's office. Plans indicated a height of sixteen feet. He wanted to maintain the roof pitch of the shed same as the home. Partially constructed shed, which is two stories high, is surrounded by trees for buffer.

Witness

**Robert Zabinski, Owner**

**Decided to build the shed for additional storage space. Property has four different levels and flat land is limited. Shed style was to match the existing house. First floor height of the shed is eight feet and seven feet on the second floor and balloon framing was used. Plans submitted to the Building Inspector showed fifteen feet but he got carried away and did not consider the land grade. Neighbors do not object to the shed. Proposed new height of sixteen feet, eight inches hidden behind trees and looks like a small doll house and is esthetically pleasing. Framing was done by a builder. Applicant is seeking eighteen inch height relief. From the cement floor to the top of the roof is approximately 16.4 feet. If he were to lower the roof he could not have crawl space instead of walk-in second floor and it would be out of character with the existing house. There will be no water service to the shed – it would be used only for storage. Lanterns and one flood light will be placed on the exterior for safety. No lighting would spill onto the neighbor's property. Hemlock hedges separate property from the neighbors. Attorney for applicant stated the zoning official did not inform applicant that he needed to include the cement floor when calculating height of the shed and was not aware of constraints on roof height.**

**Witness**

**Thomas Cravitz, Project Builder**

**He did not have a resume and has never testified before this Board. Has been the Burrillville Town Planner since 2001 and helped to write**

**their Comprehensive Plan. He has a Masters from URI and is familiar with the Lincoln Comp Plan. Motion made by Member Arsenault to accept Mr. Cravitz. Motion seconded by Member Rao. Motion carried with a 4-1 vote with Member Halmi voting nay.**

**Mr. Cravitz is familiar with the application and visited the site. He spoke with Russell Hervieux, Zoning Official when preparing the application. Maintaining the roof character is in compliance with our Comp Plan. Granting an eighteen inch relief would not impact the area. He asked Mr. Hervieux if it was necessary to appear before the board and Mr. Hervieux said “yes”.**

**Applicant submitted into the record correspondence dated October 7, 2008 from neighbors, Heidi Gagnon and Paul Nassaney, 3 Heidi Road, Lincoln witnessed by Wyatt Brochu, Esquire, as Exhibit #1.**

**Chair read into the record Planning Board recommendation:**

**Members of the Technical Review Committee visited the site and reviewed the submitted plans and application. The Planning Board recommends Denial of the application for a dimensional variance. The Planning Board feels that the application does not meet any of the standards for relief of a dimensional variance as presented in the Zoning Ordinance. More specifically, the Planning Board feels that the site plan and application does not represent the least relief necessary and is not due to the unique characteristics of the subject land. According to the building officials, the existing shed structure**

varies from the submitted plans reviewed for the issuance of the building permit. The building official also noted that the shed is not completely built and can inexpensively be revised to meet the height requirement. Therefore, the Planning Board feels that the applicant should revised the shed according to the Zoning regulations.

**In Favor:**

**Neal Stonely, 11 Cynthia Road, Lincoln, RI**

He lives across the street and can only see a portion of the shed and has no objection to the application.

**Discussion:**

Chair had concerns about the application. The shed is not in conformance with the submitted plans attached to the building permit. The building looks different. Member Halmi agreed with the Planning Board recommendation of denial and does not see the hardship issue. The property looks level and the requested relief is not the least relief necessary. Member Russo was looking at the height issue. Applicant was up front about building height of sixteen feet not including the cement floor and made a good faith effort. Member Arsenault stated the permit lists a 16'x22' shed. He feels this is a hardship issue and the board has granted one and two foot relief applications in the past. By reducing the roof line it would create a problem. The applicant is only seeking relief for eighteen inches. Chair agrees with Member Arsenault. Member Halmi stated she also agreed with Member Arsenault.



**Member Arsenault made a motion to grant the Dimensional Variance application for eighteen inches of height relief with a condition that relief is based on the site plan attached to the application dated July 2, 2008 before the Board this evening for 490 square feet. He further stated:**

- The hardship from which the applicant seeks relief is due to the unique characteristics of the subject land or structure and not due to the general characteristics of the surrounding area and is not due to a physical or economic disability of the applicant.**
- The hardship is not the result of any prior action of the applicant and does not result primarily from the desire of the applicant to realize greater financial gain.**
- The granting of this variance will not alter the general character of the surrounding area or impair the intent or purpose of the Lincoln Zoning Ordinance or the Lincoln Comprehensive Plan.**
- The relief requested is the least relief necessary.**
- The hardship amounts to more than a mere inconvenience, meaning there is no other reasonable alternative to enjoy a legally permitted beneficial use of the property**

**Motion seconded by Member Russo. Motion carried with a 5-0 vote.**

**Andover Way d/b/a Storage America, 3900 NW 2nd Avenue, Miami, FL  
– Application for Special Use Permit for the installation of signage on property located at 100 Higginson Avenue, Lincoln, RI.**

**AP 1, Lot 133 Zoned: MG 0.5**

**Because of a notice issue, Motion made by Member Arsenault to continue this application to the December agenda. Motion seconded by Member Halmi. Motion carried with a 5-0 vote.**

**Miscellaneous Item:**

**Member Rao addressed the Board stating this would be her last evening and was submitting her resignation from this Board after serving eleven years.**

**Motion made by Member Rao to adjourn the meeting. Motion seconded by Member Halmi. Motion carried with a 5-0 vote.**

**Ghislaine D. Therien**

**Zoning Board Recording Secretary**